

Inheritance proceedings guide

At Banco Sabadell we want to make probate proceedings as simple as possible for you. For that reason, we have prepared this guide so that you may have our advice to hand at all times.

In this document will you find:



Steps to be taken:

- 1** Report the death
- 2** Obtain the Certificate of balances and assets (*Certificado de saldos y bienes*)
- 3** Acceptance of the inheritance and settlement of inheritance tax
- 4** Distribution of the estate



Additional documents

Information related to Insurance and Pension Plans

We also provide a **specialised team** that will assist you in the process and resolve any issues you may have.

If you have any questions, you can **call us on 900 670 308**, from Monday to Thursday between 8am and 6pm, or on Fridays between 8am and 3pm, not including bank holidays, or send an email to **Herencias@bancsabadell.com**



Steps to be taken

1

Report the death

The first step you must take when you begin inheritance proceedings involves three actions:

A. Report the death to us.

You must do this at one of our branches. Having done this, Banco Sabadell will:

- **Block the accounts** held by the deceased person, and
- **Deactivate products such as cards** and discontinue any regular transfers that may have been requested.

B. Forward the Death Certificate (*Certificado de defunción*)¹ issued by the Civil Registry to us.

This is the document that we will need to begin the probate proceedings. You can bring the Death Certificate to one of our branches or send it to us via remote banking if you are a Banco Sabadell customer, as you prefer.

C. Request the Certificate of balances and assets (*Certificado de saldo y bienes*) from us.

This is a document which sets out the products and balances that will form part of the estate. This must also be done at one of our branches.

Remember that...

If you are a Banco Sabadell customer, you can send us the documentation that we need at each stage using our remote banking facilities (mobile app and/or website). All you have to do is visit the website section on *Digital documentation > Shared documents*.

If you are not a customer, you can bring the documentation in to any branch of Banco Sabadell.

1. How do I obtain the Death Certificate?

- The **Death Certificate (*Certificado de defunción*)** is the official document that certifies the death of the deceased person. You can request this from the **Civil Registry** in the place where the death occurred. The registry is usually located at the local courthouse or town hall. To speed up the search, it is best to bring the family records book (*libro de familia*). We recommend that you request **three copies** of the certificate for the different proceedings involved. This certificate is usually issued in 5 to 7 days.
- The **Death Certificate (*Certificado de defunción*)** issued by the Civil Registry is not the same thing as the certificate of death issued by a doctor. For inheritance proceedings and pension formalities, the Death Certificate must be issued by the Civil Registry.



Steps to be taken



Obtain the Certificate of balances and assets (*Certificado de saldos y bienes*).

About four days following receipt of the documentation, we will contact you to inform you that you may collect the Certificate of balances and assets.

Bear in mind that we can only provide you with this information if you are able to prove your status as an heir or if you can prove that you are authorised to receive it. Consequently, to collect the certificate, you will need to provide us with the following two documents:

- A. **Certificate of last will and testament (*Certificado de últimas voluntades*)²** issued by the Ministry of Justice.
- B. **Proof of title through succession (*Título hereditario*)³**, which may be one of the following:
 - **If a will exists: Authorised copy of last will and testament (*Copia autorizada del testamento*).**
 - **If there is no will: Declaration of intestate succession (*Declaración de herederos/as legales*).**

2. How do I obtain the Certificate of last will and testament?

The **Certificate of last will and testament** is the document that certifies whether or not a person has made a will, and identifies the deed and the notary before whom it was granted. This certificate is issued by the **General Registry of Last Wills and Testaments**. This must be requested from fifteen working days after the date of death. Once requested, it usually takes between 10 and 15 days to issue the certificate.

You can request it:

- Directly at the **Ministry of Justice**, or
- at any of the **territorial management offices** by presenting an official form together with the Death Certificate.

3. How do I obtain proof of title through succession (*título hereditario*)?

- **If a will exists**, you can obtain an **authorised copy** of the will. You must request this from the Notary before whom it was granted or the person in charge of the Notary's protocol.
 - **If there is no will**, you must obtain the Declaration of intestate succession (*declaración de herederos/as legales*). This is granted before the Notary located in the deceased person's place of residence by means of a notarial deed, or before the Judge, in the Court of First Instance. In this case, the law determines who the heirs are and the share of the estate to which each one is entitled.
-



Steps to be taken



Acceptance of the inheritance and settlement of inheritance tax

So that the heir(s) may have access to the balances and proceeds of the estate, the following **two documents** must be provided:

- A. **Copy of document** (notarial or private) **of acceptance and partition of the estate**⁴.
- B. **Proof of payment** of (or exemption from) **inheritance tax**⁵.

4. How do I obtain the Document of acceptance and partition of the estate (*documento de aceptación y partición de la herencia*)?

If the estate includes any property/properties that may be registered in the Land Registry, the acceptance and adjudication of estate assets must be made in a **notarial public deed**. Otherwise, it can be made by means of a **private document**.

The Document of adjudication or distribution of assets (*Documento de adjudicación o reparto de bienes*) must:

- Record the **acceptance of the inheritance** by the heirs.
- **List or provide an inventory of the assets comprising the estate**. These assets must include the balances and positions that the deceased person held in financial institutions, as listed in the Certificate of Balances and Assets submitted, and their adjudication and distribution among the heirs.

5. How do I settle inheritance tax?

You must submit Tax Authority form 650. You can do this at any autonomous community office corresponding to the usual residence of the deceased person. You have a period of six months from the date of death in which to do this.

Inheritance tax can be settled in the following ways:

- **Self-assessment**: you must complete form 650 and pay the amount at the tax payments office or at an appropriate bank branch. Next, you will have to submit to the Tax Authority:
 - A copy of the self-assessment document,
 - Proof of payment, and
 - A public deed or private document that contains the inventory of assets so that it may be verified.
 - **Application**: you must present these documents to the Tax Authority, together with the inventory of estate assets and their valuation. Thereafter, the tax payments office will prepare the tax assessment proposal and will notify the heirs.
-



Steps to be taken



Distribution of the estate

The stages of the **final step** are as follows:

- At a branch, we will provide you with an **order form** required to process your case. You must complete the form with your contact details, sign it and hand the document straight back to us.
- Our specialised team **will check** the documentation supplied.

When everything has been checked, **we will contact you** to inform you of the actions that will be carried out to enforce the adjudication of the estate.

If the proceedings so require, **we will arrange a meeting** at a branch to finalise the distribution of the estate.



Additional documents

Information related to Insurance and Pension Plans

If the deceased person had a **BanSabadell Vida** insurance policy, the following should be taken into account:

- Insurance cover does not form part of the estate. The estate can be managed separately from the procedure related to insurance. Once the Certificate of balances and assets has been issued, the **Inheritance and gift tax (*Impuesto de sucesiones y donaciones*)** can be settled, with a supplementary tax (*liquidación complementaria*) if necessary.
- The beneficiaries of each policy will need to be identified.
- For **savings insurance** where the policy holder is less than 65 years of age and for **life insurance** you will need to provide:
 - A medical certificate and medical history report with date of diagnosis and treatment of medical conditions. Additional documents may be requested if necessary.
 - If the cause of death was accidental, information related to Investigations should be provided. This usually consists of a police statement, forensic report with toxins analysis, or similar.

If the deceased person had a **BanSabadell Pensiones** pension plan or a **BanSabadell Previsión EPSV** plan (a voluntary supplementary pension scheme), the following should be taken into account:

- These products do not form part of the estate and are therefore not included in the certification of assets. They are taxed as **earned income**.
- Additional documentation will be required, initially:
 - Application for benefits under BS Pensiones (individual pension plan) / BS Vida (insured pension plan) / BS Previsión (EPSV plan)
 - Information on personal income tax situation (form 145)

If there is a Protection and Savings insurance plan in place brokered by **BanSabadell Mediación**, the beneficiaries should contact the insurance company directly to notify them of the death.

We will inform you of the various means of communication available to you to get in touch with the insurance company. The insurance company may request any additional information that it considers necessary in order to process and settle the claim.



Additional information for foreigners/non-residents

Specific points to be taken into account regarding documentation in the case of foreigners/persons who are non-resident in Spain.

Original death certificate:

This document may be issued in Spain or in a foreign country, depending on the place where the death occurred.

Certificate of last will and testament

Heirs to the estate should provide a certificate of last will and testament issued by the General Registry of Last Wills and Testaments, **and in addition**, an equivalent document issued in the country of origin of the deceased (and, in some cases, if they do not coincide, in the country of residence).

Original Will and Testament:

Granted in Spain or in another country (this will normally be the country of nationality or country of residence, but may be another country), or if there is none, the Declaration of intestate succession (*Declaración de Herederos Abintestato*) issued in the country of origin of the deceased, or an equivalent document issued in that country.

European Certificate of Succession (*Certificado sucesorio europeo*):

This is a public document that certifies the last will and testament or succession record of a deceased citizen of the European Union. It is issued by the Courts of Justice and/or any other authority of the State where the death took place, that is competent to deal with the succession according to its national law. This certificate is valid for six months only, and it is exempt from the requirement for legalisation or Apostille.

General considerations:

Any of the required documents that have not been issued in Spain must be duly legalised. Documents can be legalised through the 1961 Hague Apostille Convention for member countries of such Convention. All other documents must be legalised by the local Spanish consul in the district in which the documentation has been executed and the latter's signature must be legalised by the Spanish Ministry of Foreign Affairs.

Any foreign documentation written in a language other than English or French must be accompanied by a sworn translation and must bear the duly legalised signature and status of the translator (in accordance with the specified formalities, unless it is carried out by a Spanish sworn translator, in which case the translation does not need to be legalised).



If you have any questions, you can **call us on 900 670 308**, from Monday to Thursday between 8am and 6pm, or on Fridays between 8am and 3pm, not including bank holidays, or send us an email addressed to **Herencias@bancsabadell.com**